

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

MDL NO. 3:16-md-2738-FLW-LHG

**JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN**

THIS DOCUMENT RELATES TO:

Civil Action No. 3:18-cv-03102-FLW-LHG

***ALMA BROWDER v. JOHNSON &
JOHNSON, et al.***

**UNOPPOSED MOTION FOR SUBSTITUTION OF PLAINTIFF UNDER RULE 25(a)(1)
AND FOR LEAVE TO FILE AMENDMENT OF COMPLAINT TO ASSERT SURVIVAL
AND WRONGFUL DEATH CLAIMS**

John Edward Bratton, as the Executor of the Estate of Alma Browder, moves the Court for an Order substituting him in as the plaintiff in this action and granting him leave to file the Amended Complaint asserting claims for wrongful death and survival. John Edward Bratton should be duly substituted as plaintiff in this action under the provisions of Rule 25(a)(1) of the Federal Rules of Civil Procedure because:

1. Alma Browder, decedent, commenced this action on March 2, 2018, before her death. (Dkt. 1.)
2. Decedent Alma Browder died on March 28, 2019, due to injuries caused by the negligent acts and omissions as alleged in her original Complaint. (Dkt.1) Decedent is survived by her two children, John Edward Bratton and Stephanie Lynn Bratton. Notice of and Suggestion of her death was filed with this Court on July 9, 2020. (Dkt. 11)
3. Under Ohio law, ORC Ann. § 2125.02, a civil action for wrongful death shall be brought in the name of the personal representative of the decedent for the exclusive benefit of the surviving spouse, the children, and the parents of the decedent, all of whom are rebuttably presumed

to have suffered damages by reason of the wrongful death, and for the exclusive benefit of the other next of kin of the decedent.

4. Pursuant to Ohio law, the claims made by Alma Browder against Defendants herein survive her death. ORC Ann. 2305.21. Under that law, the claims against the Defendants may be instituted as if the deceased person were still alive. The claims of Plaintiff Alma Browder, deceased, survive and pass to the Wrongful Death Beneficiaries.

5. A proposed First Amended Complaint alleging survival and wrongful death claims is attached hereto as **Exhibit A**.

6. Plaintiff's counsel has met and conferred with Defendants' counsel, who has indicated Defendants do not oppose the motion.

7. This motion is timely in that the deadline for the Wrongful Death Beneficiaries to file a motion for substitution of parties is not expired.

DATED: July 29, 2020

Respectfully Submitted,

By: /s/ Melanie Meneses Palmer
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